

Oklahoma Real Estate

Commission Comment

OFFICIAL PUBLICATION OF THE Oklahoma Real Estate Commission

Volume 44, 4th Quarter 2009, No. 2

Change in CE Requirements

for Broker Managers, Broker Proprietors and Branch Brokers Beginning with June 2012 License Renewals

f you maintain a Broker Manager (BM), Broker Proprietor (BP) or Branch Broker (BB) type of license during any portion of a 3 year license term beginning with license terms expiring June, 2012, you must take and successfully complete a 15 clock hour "Broker in Charge" course as approved by the Commission.

The 15 clock hour requirement will count toward the 21 clock hour continuing education requirement; however, a broker must in addition complete at least 2 of the 4 Commission required subject matter courses in the areas of Fair Housing, Broker Relationships, Professional Conduct or Hot Topic (current issues or Code and Rule updates.) Please ensure that the courses you take are at least 3 clock hours each because if you take a 2 clock hour course, you will be required to take and complete another required subject matter.

Special Notice

Regarding License Renewals

ffective with the July, 2010 license renewals, the Commission will no longer send a license renewal form. You will instead receive a post card that indicates that it is time to renew your license and inform you that you can either: 1) renew online at https://www.ok.gov/OREC/renewal; or 2) you will be given a location on the Commission's website that allows you to print the license renewal form that can be mailed to the Commission with the appropriate fee. In order to renew online, you must have completed your continuing education requirement. If you are a provisional sales associate you must have completed your 45 clock hour post license course requirement.

You can currently utilize the online license renewal system – it is fast and easy. Just log in to the system, check to ensure your continuing education hours are complete, update your personal contact information (home address, home telephone, etc.), and pay the required renewal fee by credit or debit card. The Commission will then mail the license pocket card to the broker's office.

Caution

from the Construction Industries Board

he Construction Industries Board (CIB) has received complaints that certain real estate brokers and/or associates have been employing or contracting with individuals to "winterize" listed homes, particularly the plumbing systems in those homes.

In most instances, the winterization of a home plumbing system constitutes "plumbing" under the Plumbing Licensing Law of 1955 (59 O.S. Sections 1001 – 10023.1). The performance of such plumbing work without the appropriate license is subject to an administrative fine of not less than \$500 each for both the unlicensed tradesman and any person or entity contracting the tradesman to perform the plumbing work. As the State agency responsible for enforcing the Plumbing License Law and related regulations, the CIB will issue administrative fines for those types of violations as the facts and circumstances dictate.

If you have questions regarding this, please contact Jim George, CIB Chief Plumbing Investigator at (405) 271-5217.

In this issue:

Chairman's Corner
Disciplinary Actions Page 2
Commission Elects New Officers Page 2
Truth in Lending Changes and New RESPA forms, January 1, 2010
FTC Issues New Advertising Rules
New and Revised Contracts Available Page 4
New Federal Law to Address Tenants Page 4
Disclosure Reminder

Commission Comment 4th Quarter 2009

The Oklahoma Real Estate

Commission Comment

Official Publication of the
Oklahoma Real Estate Commission
Shepherd Mall
2401 N.W. 23rd, Suite 18
Oklahoma City, Okla. 73107-2431
(405) 521-3387
www.orec.ok.gov

THE COMMISSION

Martin VanMeter, Chairman	Durant
John Mosley, Vice Chairman	Chickasha
Stephen Sherman	Okla. City
Pete Galbraith	Sapulpa
Charles Barnes	Midwest City
Randy Saunier	McAlester
Mike Cassidy	Okla. City
Anne M. Woody, Executive Dire	ectorStaff

Address all communications to the Commission Office

"Use your zip code and ours when you write to us"

BY ORDER OF THE COMMISSION DISCIPLINARY ACTIONS AS OF OCTOBER 2009

JUNE 2009

C-2008-005 – MCGRAW DAVISSON STEWART INCORPORATED, C. VIN-SON REED (BM), MCGRAW DAVIS-SON STEWART INCORPORATED (BO), SUZANNE SHERWOOD (BB) AND MEREDITH G. PETERS (SA) – TULSA: Violations by Respondent Meredith G. Peters:

1) Title 59 O.S. §858-312, Subsections 2, 8, and 9, in that she unintentionally represented that the \$2,000.00 escrow check in the transaction would be deposited into the McGraw Davisson Stewart Incorporated trust account when she knew or should have known that said check would not be deposited therein, and

2) Title 59 O.S. §858-312, Subsections 6, 8 and 9 in that she unintentionally failed to turn over the \$2,000.00 escrow check to her broker to be deposited in her broker's account, but unilaterally returned the check to the buyer.

No evidence was presented in this case to indicate any violation of the Oklahoma Real Estate License Code by Respondents McGraw Davisson Stewart Incorporated, C. Vinson Reed, McGraw Davisson Stewart Incorporated (BO) and Suzanne Sherwood.

continued on page 5

Chairman's Corner

hings have been very busy at the Oklahoma Real Estate Commission since the last Commission Comment was published. Executive Director Anne Woody completed her year as President of the Association of Real Estate License Law Officials (ARELLO), an international organization of real estate regulators. What a year she has had with Dubai and Ajman of the United Arab Emirates joining ARELLO. Anne is the third President of ARELLO from Oklahoma; past Commissioner Robert Saunier of McAlester was President in 1998 and past OREC Executive Director Joe Frizzell was President in 1957.

Our economy and where we are headed is on everyone's mind today. Oklahoma and the surrounding states have been fortunate not to suffer like the rest of the nation, but the slowdown has taken its toll in all areas, including



Martin VanMeter

the number of licensees not renewing their licenses and the decreasing number of persons entering the real estate profession. The Commission knew this day would come eventually, but continues to operate efficiently. For example, although they are authorized to carry 26 employees, they function very well with only 18. Since the Real Estate Commission is self-supporting (meaning it receives no appropriated funds from the legislature), the staff is well aware that when times get tough, there is no one to turn to but to the licensees; therefore they strive to be cautious with your funds. Further cuts were made to this year's budget work program to accommodate and reflect the current economic conditions. The Commissioners receive a full financial report regarding income and expenditures each Commission meeting.

The number of people that do not tell the truth on their license and renewal applications continues to amaze me – the FBI background check must not mean anything to them! On November 1, 2009 the new law affecting who can apply for a license went into effect and should cause a further slowdown in applicant appeals.

There's a lot more going on at the Commission than just investigating complaints and renewing and issuing licenses. The Contract Committee is very busy trying to produce documents that are usable statewide. November 1 of each year has been established as the release date target for all new forms and updates to the contracts. Several task forces have been working on a number of issues, such as broker relationships, errors and omissions insurance, rebates to consumers and the possible creation of a real estate research center.

These are just a few of the things in continual development at the Oklahoma Real Estate Commission. If you, or anyone you know, has an interest in getting involved please contact the Commission or your local board.

I hope the NEW YEAR brings you success, happiness and prosperity.

OREC Chairman, Martin VanMeter, CRB

Commission Elects Officers for FY 2010

At the regularly scheduled Commission meeting on July 8, 2009, the Commissioners voted into office Mr. Martin VanMeter, broker member of Durant to be Chairman and Mr. John Mosley, broker member of Chickasha, to be Vice-Chairman. Congratulations gentlemen.



John Mosley

4th Quarter 2009 Commission Comment

Truth in Lending Act (TILA) changes effective July 2009 and new RESPA forms effective January 1, 2010

B ecause of the changes that went into effect in July 2009, there will be questions about the changes to Regulation Z of the Truth in Lending Act, referred to as TILA.

As you know, TILA provides borrowers with information about the costs and terms of their credit transaction. The goal behind this is to make sure that the consumer knows everything about the terms of the loan prior to the closing so that their decision is a well informed one, and that the terms are clear.

This may sound like RESPA, but be careful not to confuse the two. The change to RESPA, which includes a new GFE "Good Faith Estimate" and HUD-1 settlement statement doesn't change until January 1, 2010.

The Housing and Recovery Act of 2008, or HERA, went into effect on July 30, 2009. A major portion of HERA is MDIA, the Mortgage Disclosure Improvement Act which contains certain changes to the timing of Truth in Lending (TIL), which will affect the disclosure requirements attached to when real estate closings can occur. Also of note is the changes made to Regulation Z by the Federal Reserve Board, which also went into effect on July 30, 2009, to implement the MDIA. The MDIA applies when the Real Estate Settlement Procedures Act applies to the transaction (which is secured by the dwelling of a borrower) for a lender on loan applications that are received on or after the same July 30th date.

In most cases, loans will not close until 7 business days after the issuance of the initial TIL; the exceptions to this will

be rare and only when the loan review period has been waived (see below). Initial TIL's can either be delivered or mailed, but that has to occur no later than 3 business days after the borrower has made a written application with the lender which has to be at least 7 business days before closing.

When there is an eighth of one percent (.125%) greater on the APR from the original TIL, then a revised TIL must be given to the borrower not less than three days prior to a closing. Normal fees considered to be finance charges that are used in the APR calculation include: discount points, lender and broker fees, flood certification coverage, and settlement agent or attorney fees. When a TIL is mailed, the borrower is considered to have received it 3 business days later. To close in a timely manner, lenders will work to provide an accurate TIL disclosure at least 7 business days before closing so that they can meet the 3 business day mailing period and the 3 business day review period.

When a borrower wants a waiver, or to modify the waiting period timelines, they must meet the requirements that determine if that loan is needed because of a personal financial emergency (which is going to be the exception, not the rule).

You are highly encouraged to go to www.hud.gov and read the information for yourself. The Commission has added this link to our web site (in the right margin, titled RESPA Information) for your convenience. You are also encouraged to read the frequently asked questions, as well.

FTC issues new rules on advertising, blogging If you pay a research company for endorsement, disclose it

WASHINGTON

The Federal Trade Commission has published new guidelines concerning endorsements, testimonials and blogging that are intended to tighten up on some of the puffery seen in advertising and on the Web.

Of critical importance to real estate agents are advertising endorsements that carry consumer statements such as "He sold my house in one day!"

Under the old FTC guidelines, advertisers had to add lines such as "results may vary" or "results not typical," but now the FTC wants advertisements to carry words such as, "Results may vary. Typical time on the market is XX number of days."

"Under the revised Guides, advertisements that feature a consumer and convey his or her experience with a service as typical when that is not the case will be required to clearly disclose the results that consumer can generally expect," the FTC says.

"In contrast to the 1980 version of the Guides – which allowed advertisers to describe unusual results in a testimonial as

long as they included a disclaimer such as "results not typical" – the revised Guides no longer contain this safe harbor."

For the fist time, the Guides discuss blogging – something that wasn't around the last time the guidelines were updated in the 1990s.

"The post of a blogger who receives cash or in-kind payment to review a service is considered an endorsement," the agency says. "Thus, bloggers who make an endorsement must disclose the material connections they share with the seller of the product or service."

Adds the FTC, "Likewise, if a company refers in an advertisement to the findings of a research organization that conducted research sponsored by the company, the advertisement must disclose the connection between the advertiser and the research organization."

For more information, go to: http://www.ftc.gov/opa/2009/10/endortest.shtm

Reprinted with permission from the *Real Estate Intelligence Report, October 2009 edition*

Commission Comment 4th Quarter 2009

New and Revised Contracts and Addenda Now Available

he Real Estate Commission's Contract Forms Committee reviewed your comments and concerns regarding the contracts and addenda and finalized the forms for your use. In an effort to ensure you are using the correct form, at all times, the Commission has the publication date noted at the bottom of the form as well as on the Commission's website next to the title of the form.

NEW FORMS

Commercial Financing Supplemental (11/09R)

Commercial Improved (11/09R)

Commercial Land (11/09R)

REVISED FORMS

Buyer Broker Service Agreement (11/09R)

Condominium/Townhouse Association (11/09)

Contract Information Pamphlet (11/09)

Contract of Sale of Real Estate (11/09R)

Conventional Loan (11/09R)

Cover Sheet - Confirmation and Acknowledgement of

Disclosures (11/09R)

Estimated Cost to Buyer (11/09)

Estimated Net to Seller (11/09)

FHA Loan (11/09)

New Home Construction (11/09R)

Seller's Counteroffer / Buyer's Counter (11/09)

Single-Party Broker Disclosure (11/09R)

Transaction Broker Disclosure (11/09)

VA Loan (11/09R)

Vacant Lot/Land (11/09R)

The Commission is establishing a strict time schedule in which to make future changes to the forms. Please provide your comments or suggestions relating to the contract forms and addenda to orec.help@orec.ok.gov.

Notice Regarding Advertising Violations

he Commission has been receiving numerous anonymous letters pointing out possible advertising violations which are not violations:

- 1) that the broker's telephone number was not included in the advertisement (newspaper); or
- 2) the broker's personal name is missing from the advertisement even though the broker's trade name is present in the advertisement.

The only type of advertisement that must contain the broker's telephone number is a yard sign – all other advertisement must contain the name of the broker $\underline{\mathbf{or}}$ the trade name of the broker as registered with the Commission.

New Federal Law to Address Tenants Involved in Foreclosure Situations

he Helping Families Save Their Homes Act of 2009 (Public Law No. 111-22) was signed by President Obama on May 20, 2009, and the provisions of the law are effective until December 31, 2012. The Act includes the Protecting Tenants at Foreclosure Act of 2009 ("Tenant Act"). One of the problems the Tenant Act seeks to address is tenants being forced out of their homes in foreclosure situations, with little or no notice.

Under the Tenant Act, tenants must be allowed to stay in fore-closed property through the end of their lease *except* in the case of: 1) the new owner desiring to occupy the property as a personal residence, or 2) tenants on a month-to-month lease. *Tenants occupying foreclosed property, even in these excepted cases, must be given at least 90-days notice before they are evicted.* The protections of the law *do not* apply if: 1) the mortgagor is the tenant, 2) the lease is not the result of an arms-length transaction, 3) the rent is substantially less than the fair market rent for the property, 4) the tenants violate the terms of their lease, or 5) the lease is terminable at will under state law. You can locate a copy of the Act at www.orec.ok.gov, Publications, Other Governmental Publications.

Disclosure Reminders

SEX OFFENDER - In accordance with Title 59, O.S. Section 858-514, *no duty is imposed* on a real estate licensee to disclose any information regarding an offender required to register under the Sex Offenders Registration Act.

PSYCHOLOGICALLY IMPACTED REAL ESTATE – In accordance with Title 59, O.S. Section 858-513, in the event a purchaser or lessee, who is in the process of making a bona fide offer, advises the licensee assisting the owner, in writing, that knowledge of such factor is important to the person's decision to purchase or lease the property, *the licensee shall make inquiry* of the owner and report any findings to the purchaser or lessee with the consent of the owner and subject to and consistent with applicable laws of privacy. However, if the owner refuses to disclose, the licensee assisting the owner shall so advise the purchaser or lessee.

KNOWN MATERIAL DEFECT – In accordance with Commission Rules 605:10-17-5 (2), a licensee *is required to disclose* to a buyer or other cooperative licensee or company a known material defect regarding the condition of a parcel of real estate of which a broker or associate has knowledge.

RESIDENTIAL PROPERTY CONDITION DISCLOSURE

– In accordance with Title 60, O.S. Section 836 (C), a real estate licensee *has the duty to disclose* to the purchaser any defects in the property actually known to the licensee which are not included in the disclosure statement or any amendment.

BROKER RELATIONSHIPS – In accordance with Title 59, O.S. Section 858-356, a licensee *shall describe and disclose in writing the broker's role to the party prior* to the party signing a contract to purchase, lease, option or exchange real estate. This *prior disclosure must be confirmed by each party, in writing,* in a separate provision, incorporated in or attached to the contract to purchase, lease, option, or exchange real estate.

4th Quarter 2009 Commission Comment

DISCIPLINARY ACTION continued from page 2

Meredith G. Peters consented to a formal reprimand and administrative fines totaling One Thousand Dollars (\$1,000.00). The case against McGraw Davisson Stewart Incorporated, C. Vinson Reed, McGraw Davisson Stewart Incorporated (BO) and Suzanne Sherwood was closed.

C-2008-086 – PHILIP H. NORMAN (SA) – TULSA: Violation by Respondent:

Title 59 O.S. §858-312, Subsection 8 and Rule 605:10-17-4(9), in that he failed to provide documents to the Commission upon request regarding a Driving Under the Influence arrest in Tulsa County, Oklahoma.

Philip H. Norman consented to the issuance of a formal reprimand and the surrender of his real estate associate license.

C-2007-122 – JOHNNA BETH TREAT (SA) AND PATRICE ANN SULLIVAN (SA) – LAWTON: On February 25, 2009, the Hearing Examiner reported that Respondent Johnna Treat was found in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rules 605:10-13-1(a)(1) and 605:10-17-4(12), in that she failed to deposit the earnest money into her broker's trust account.

Further, the Hearing Examiner reported that no evidence was presented to indicate that Respondent Patrice Sullivan violated any provision of the Oklahoma Real Estate License Code or the Rules of the Commission.

Johnna Treat was ordered to pay an administrative fine of Seven Hundred Fifty Dollars (\$750.00), and the case against Patrice Sullivan was dismissed

C-2008-069 – LANE HARBISON DAVIS (SA) – OKLAHOMA CITY: On March 5, 2009, the Hearing Examiner reported that Respondent Davis was found in violation of:

- 1) Title 59 O.S. §858-312, Subsections 9 and 15, in that he was convicted in the District Court of Tulsa County, State of Oklahoma of the crime of Violation of Protective Order in Case Number CM-2000-1176; and
- 2) Title 59 O.S. §858-312, Subsections 1 and 9, in that he failed to disclose in his application for license the conviction in Case Number CM-2000-1176 and the Protective Order issued under Case Number PO-1999-2828 in the District Court of Tulsa County, State of Oklahoma.

It was ordered that the Oklahoma real estate license of Lane Harbison Davis be revoked.

JULY 2009

C-2008-032 – H&W REALTY INCORPORATED AND GORDON WATSON, JR.

(BM) – OKLAHOMA CITY: Violations by Respondents:

Title 59 O.S. §858-312, Subsection 9, Rule 605:10-13-1(h)(i) and Rule 605:10-13-3(a)(b), in that they failed to comply with the rules and regulations concerning the return of earnest money.

H&W Realty Incorporated and Gordon Watson Jr. consented to the issuance of a formal reprimand and assessment of an administrative fine of Five Hundred Dollars (\$500.00) each, for a total of One Thousand Dollars (\$1,000.00).

C-2007-061 – ABWS TULSA INCORPORATED, SHERRY LEWIS (BB), ABWS TULSA INCORPORATED (BO), SUSAN BEACH (BM) AND ANGELA BAYSINGER (SA) – TULSA: On September 16, 2008, the Hearing Examiner reported that Respondent Angela Baysinger was found in violation of:

- 1) Title 59 O.S. §858-312, Subsections 2, 8 and 9 and Rule 605:10-17-4(12), in that she prepared and executed a fictitious Purchase Money Second Mortgage which she had no intention of paying; and
- 2) Title 59 O.S. §858-312, Subsections 2, 8 and 9 and Rule 605:10-17-4(12), in that she prepared a fictitious Release of Second Mortgage which she then had signed when in fact the Second Mortgage had not been paid in full, for the purposes of deceiving others.

Angela Baysinger was ordered to pay an administrative fine of \$4,000.00 and had her sales associate license suspended for ninety (90) days.

C-2008-001 – METROPOLITAN REAL ESTATE LLC, PATRICIA JEANNE TOWNSEND (BM) AND DANA DARLENE GARRISON (SA) – OKLAHOMA CITY: On April 22, 2009, the Hearing Examiner reported that Respondent Dana D. Garrison was found in violation of Title 59 O.S. §858-312, Subsections 8 and 9; Title 59 O.S. §858-353 and Rule 605:10-15-2(b), in that she signed the early occupancy agreement and contract extension of agreement on behalf of the complainants while acting as a transaction broker, even though she had the permission of the complainants.

Respondent Patricia J. Townsend was found in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(6), in that she failed to supervise the activities of Respondent Dana D. Garrison.

Metropolitan Real Estate LLC, Patricia J. Townsend and Dana D. Garrison were ordered to pay an administrative fine of Five Hundred Dollars (\$500.00) each, for a total of One Thousand Five Hundred Dollars (\$1,500.00).

C-2007-111 – HOMEOWNERS MAR-KETING REALTY AND RELOCA-TION INCORPORATED (LAPSED) AND ELLEN STEWART (BB-REVOKED) – SAPULPA: On April 22, 2009, the Hearing Examiner reported that Respondents Homeowners Marketing Realty and Relocation Incorporated and Ellen Stewart were found in violation of:

- 1) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12), in that they failed to fulfill the terms of an agreement made with the complainant;
- 2) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(13), in that they failed to ensure that complainant received all funds guaranteed to her from the closing of the property;
- 3) Title 59 O.S. \$858-312, Subsection 6 and Rule 605:10-13-1(1), in that they failed to provide a settlement statement to the complainant after closing;
- 4) Title 59 O.S. §858-312, Subsection 22, in that they entered into an agreement to facilitate a down payment assistance payment for Jeff and Lisa Sylvester;
- 5) Title 59 O.S. §858-353(A,1), in that they refused to submit payment to the complainant for proceeds from the closing of real property in which Respondent Stewart guaranteed complainant the sum of \$50,000.00, and
- 6) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(9), in that they failed to submit copies of all documents relating to this case after three (3) written requests were made.

Ellen Stewart and Homeowners Marketing Realty and Relocation Incorporated both were ordered to pay an administrative fine of \$5,000.00 for each of the two transactions for a total of \$10,000.00. Their licenses were revoked on 09-21-09 for failing to pay the doubled fine of \$20,000.00 each.

C-2008-028 – RYAN KEITH NOE (SA) – OKLAHOMA CITY: On February 25, 2009, the Hearing Examiner reported that the Respondent was found in violation of Title 59 O.S. §858-312, Paragraph 8, in that he entered a plea of Guilty to the crime of Driving under the Influence (DUI) in Case Number CM-2007-926 in the District Court of Oklahoma County, Oklahoma.

The Oklahoma real estate sales associate license of Ryan K. Noe was ordered to be placed on probation until March 19, 2013, which is the same duration of his court-ordered probation.

continued on page 6

Have a wonderful New Year!

OKLAHOMA REAL ESTATE COMMISSION

Shepherd Mall 2401 N.W. 23rd Street, Suite 18 Oklahoma City, Oklahoma 73107-2431 PRESORTED STANDARD
U. S. POSTAGE
PAID
PERMIT #317
OKLAHOMA CITY, OK 731

Go online at http://www.orec.ok.gov/renewal to view the status of your continuing education.

DISCIPLINARY ACTION continued from page 5

C-2008-020 – TRUSTWORTHY REALTY LLC AND CHARLA C. GRIFFIN (BM) – NORMAN: On february 26, 2009, the hearing examiner reported that the respondents were found in violation of the following:

- 1) Title 59 O.S. §858-312, Subsections 9 and 16 and Rule 605:10-13-1(b), in that they commingled their own money with the money of others;
- 2) Title 59 O.S. §858-312, Subsections 8 and 9, Title 59 O.S. §858-354(b) (1) and Rule 605:10-17-4(12), in that they took money from the complainant and converted it to their own use without authorization;
- 3) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-13-1(c), in that they failed to register trustworthy realty LLC trust account #1036998 with the commission, and
- 4) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-13-1(a)(1c,e), in that they registered trustworthy real estate operating account #103005 with the Commission as a trust account.

It was ordered that the Oklahoma real estate licenses of respondents Trustworthy Realty

LLC and Charla C. Griffin be revoked, and that Charla C. Griffin be required to pay an administrative fine of seven hundred fifty dollars (\$750.00) For each violation, for a total amount of three thousand dollars (\$3,000.00).

SEPTEMBER 2009

UC-2007-006 - LUCAS WAYNE MCGUIRE (SA), ALLIANCE REAL ESTATE GROUP INCORPORATED, REGINA M. YAGER (BM), JUDITH DAVIS (BA) - OKLAHOMA CITY; ALLIANCE REAL ESTATE GROUP INCORPORATED (BO) AND CAROL STEPHENS (BB) - EDMOND: On February 24, 2009 the Hearing Examiner reported that Respondent Lucas McGuire was found in violation of Title 59 O.S. §858-312, Subsections 8 and 9, Title 59 O.S. §858-102, Title 59 O.S. §858-301 and Title 59 O.S. §858-401, in that he conducted real estate activities during the period of time that his license was on an inactive status.

Lucas McGuire was ordered to pay an administrative fine of (\$34,173.21), with 95% of that amount suspended. The remaining 5% (\$1,709.00) would be due within thirty (30) days of the receipt of the Final Administra-

tive Order by Respondent McGuire. All other respondents have been reported in prior publications.

OCTOBER 2009

SUMMARY SUSPENSION OF LICENSE

Commission finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action within thirty (30) days. The summary suspension shall remain in effect until otherwise ordered by the Commission

A-2009-069 – Jorge A. Gamboa (SA) – Oklahoma City (Kisner): Possible violations by Respondent:

Title 59 O.S. §858-312, Subsections 6, 8, 9 and 16 and Rules 605:10-13-2(1) and 605:10-17-4(12), in that he may have failed to turn over earnest money and transaction fees to his broker and converted said funds to his own personal use.

The Commission ordered that the license of Jorge A. Gamboa be *Summary Suspended until further action by the Commission*.

This publication, printed by The University of Oklahoma Printing Services, is issued by the Oklahoma Real Estate Commission as authorized by Anne M. Woody, Executive Director. 20,500 copies have been prepared and distributed at no cost to the taxpayers of the State of Oklahoma. The entire cost of preparing this publication has been borne by the Real Estate Licensees through their Education and Recovery Fund Fees. Copies have been deposited with the Publications Clearinghouse of the Oklahoma Department of Libraries.